



# Statement of Licensing Policy for premises to be licensed as sex establishments

## **Background**

This Statement of Licensing Policy sets out the council's requirements for premises to be licensed as sex establishments within the meaning of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

Section 2 of the Act provides that local authorities may resolve that schedule 3 will apply to their area, which has the effect of requiring premises operating as sex establishments in that authority's area to be licensed. Adoption of schedule 3 also allows the council to set terms and conditions and fees for the grant, renewal, transfer and variation of such licences and the number of licences that may be issued in the area, including nil.

Warwick District Council has not imposed any restriction on the number of licences to be issued. The fees have been published by the council since it adopted schedule 3 in July 1983.

The Policing and Crime Bill contained an amendment to schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 replacing the existing definition of a 'sex establishment' with the definition of a 'sexual entertainment venue'. This amendment removes the exemption for premises to be licensed where a premises licence under the Licensing Act 2003, which authorises the provision of regulated entertainment, is in force.

Definitions of the different types of 'sex establishment' can be found in the Appendix A to this policy.

Warwick District Council will monitor the continuing expansion of the leisure industry, which provides an essential contribution to the local economy in jobs and revenue in the District, in order to maintain a balance between those interests and the interests of preserving the heritage of the area and protecting the interests of residents.

This 'Statement of Licensing Policy' sets out the policies that the council will generally apply when making decisions on applications. It also sets out information about the application process, what is expected of applicants and how people can make representations about applications. It also sets out the types of controls that are available to the Council when decisions are made about licence applications and explains what action can be taken if complaints are received.

Note: The wording of Section 3.2 was modified by the Council's Regulatory Committee at a meeting on the 16<sup>th</sup> July 2012.

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## **1 Introduction**

- 1.1 Warwick District Council resolved to apply Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in originally July 1982, and then resolved to apply the amended Schedule 3 in September 2010 ensuring that anyone wishing to operate a 'sex establishment' within the district must first obtain a licence from the council.
- 1.2 This Statement of Licensing Policy for Sex Establishments sets out the council's requirements for premises to be licensed as 'sex establishments' within the meaning of the Act (as amended).
- 1.3 The advice and guidance contained in the appendices attached to this Statement of Licensing Policy is intended only to assist readers in consulting the policy and should not be interpreted as legal advice or as constituent of Warwick District Council's Statement of Licensing Policy.
- 1.4 Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Local Government (Miscellaneous Provisions) Act 1982 or schedules issued under the Act.

## **2 Definition of 'sex establishment'**

- 2.1 A 'sex establishment' is defined under the Act as a 'sex shop', a 'sex cinema' or a 'sexual entertainment venue'. Full definitions of those terms can be found in Appendix A to this policy.
- 2.2 It includes any premises, vehicle, vessel or stall used as a sex establishment but does not apply to the sale, supply or demonstration of articles which are manufactured for use primarily for the purposes of birth control or primarily relate to birth control.

## **3 Location of Licensed Premises**

- 3.1 The council acknowledges that a concentration of licensed premises in a particular area can result in a potential fear of crime, anti-social behaviour, noise pollution and other disturbance to residents. In such cases the amenity of local residents can be placed under severe pressure.
- 3.2 The legislation provides that the Council may refuse an application for the grant or renewal of a licence if it considers that it would be inappropriate, having regard to the character of the relevant locality and the use to which any premises in the vicinity are put.

When considering whether a licence should be refused on this basis, the Council will have regard to the following;

- The proximity of residential premises, including any sheltered housing and accommodation of vulnerable people;
- The proximity of educational establishments;

- The proximity of places of worship;
- Access routes to and from schools, play areas, children's nurseries, children's centres or similar premises in proximity to the premises;
- The proximity of shopping centres;
- The proximity of community facilities/halls and public buildings such as swimming pools, leisure centres, public parks, youth centres/clubs (this list is not exhaustive);
- Any relevant planning considerations;
- Whether there is planned regeneration of the area;
- The proximity of other Sex Establishments;
- The nature and concerns of any representations received from residents and/or establishments objecting to the licence application;
- Any evidence of complaints about noise and/or disturbance caused by the premises;
- Any current licensing permission related to the premises in respect of activities, uses and hours

The Council has not set a limit on the number of Sex Establishments that it thinks is appropriate for any relevant locality and will determine each application on its own merits.

- 3.3 Applications in respect of premises must state the full address of the premises. Applications in respect of a vehicle, vessel or stall must state where it is to be used as a sex establishment.
- 3.4 The council would normally expect that applications for licences for permanent commercial premises should be from businesses with planning consent for the property concerned.

#### **4 Making an application**

- 4.1 An application for the grant, renewal, transfer or variation of a licence must be made in writing to the council in accordance with the requirements shown in Appendix B.
- 4.2 A specimen application form and notice for public advertisement is attached in Appendix C.

## **5 Fees**

- 5.1 The application process involves paying a non-returnable application fee, which includes the costs for inspections of the premises and processing the application. The fees are reviewed annually against any rise in council costs of administering the licence regime.

## **6 Advice and Guidance**

- 6.1 The council will seek to liaise with applicants and/or mediate between applicants and others who may make representations, to achieve a satisfactory outcome for all involved, wherever possible and where resources permit.
- 6.2 Where an applicant considers that mediation and liaison may be likely or probable, it is recommended that the applicant discuss his proposal with the licensing section and those from who they think representations are likely prior to submitting their application.

## **7 Grant, renewal or transfer of licences**

- 7.1 The council may grant to any applicant and renew a licence for the use of any premises as a 'sex establishment' and will include the terms and conditions specified by the council in Appendix E, together with any other conditions that may be attached at a hearing. In the case of a 'sexual entertainment venue' any conditions attached to the premises licence issued under the Licensing Act 2003 will remain applicable to any licence issued for a 'sex establishment'
- 7.2 A licence will remain in force for one year, or such shorter period specified in the licence, unless previously cancelled or revoked.
- 7.3 Warwick District Council may, if they think fit, transfer a licence to any other person upon application by that person.
- 7.4 Where an application for renewal or transfer of a licence is made before the date of expiry of the existing licence, the licence shall remain in force until such time as the application has been determined.

## **8 Variation of licences**

- 8.1 The holder of a licence may apply to the council to vary the terms, conditions or restrictions on or subject to which the licence is held.
- 8.2 The process will be similar to the application process whereby the variation requested must be advertised and consulted upon with a hearing to decide the outcome if necessary.

## **9 Representations**

- 9.1 Representations may be made to an application by any person.

- 9.2 An representation must be in writing and state the grounds on which the representation is made.
- 9.3 Representations may only be made within the period of 28 days following the date on which the application was given to the council.
- 9.4 The council will not consider any representation that does not contain the name and address of the person making it.
- 9.5 Where representations are made the council will provide copies to the applicant. The council will not divulge the identity of the representor/s to the applicant without their permission to do so.
- 9.6 Where representations are made and not withdrawn, a hearing before the Council's Regulatory Committee will be held, unless all parties agree a hearing is unnecessary.
- 9.7 Where no representations are made, the council will grant the licence subject to the terms and conditions shown at Appendix E

## **10 Determining applications**

- 10.1 When considering applications, the council will have regard to:
  - (a) the Local Government (Miscellaneous Provisions) Act 1982
  - (b) any supporting regulations;
  - (c) this Statement of Licensing Policy.
- 10.2 This policy does not, however, undermine the rights of any person to apply for a licence and have the application considered on its individual merits, nor does it override the right of any person to make representations on any application where they are permitted to do so under the Act.
- 10.3 When determining applications, the council will take account of any comments made by the Chief Officer of Police as well as any other representations made. The police's comments may include, for example, the results of a community impact assessment undertaken by their architectural liaison team.
- 10.4 In all cases, the council will consider each application on its own merit.

## **11 Conditions**

- 11.1 The council recognises that all applications should be considered on an individual basis and any condition attached to such a licence will be tailored to each individual premises.
- 11.2 No condition will be imposed that cannot be shown to be necessary.
- 11.3 The conditions that may be attached to a licence are shown in Appendix E, but this is not an exhaustive list and others may be added if thought relevant.

## **12 Refusal of licences**

12.1 Except where the council are prohibited from granting, renewing, varying or transferring a licence, the council will not refuse a licence without first: -

- Notifying the applicant or holder of the licence in writing of the reasons;
- Giving the applicant or holder of the licence the opportunity of appearing and making representations before the council's Regulatory Committee.

12.2 The circumstances in which the council must or may refuse a licence are shown in Appendix F

## **13 Revocation of licences**

13.1 The council may revoke a licence: -

- on any of the grounds specified in paragraph 1 of Appendix F of this policy;
- on either of the grounds specified in paragraph 3 (a) and (b) of Appendix F of this policy.

13.2 The council will not revoke a licence without first giving the holder of the licence the opportunity of appearing and making representations before the council's Regulatory Committee.

## **14 Cancellation of licences**

14.1 The licence-holder may surrender the licence at any time and may request the council in writing to cancel the licence. No refund will be applicable.

14.2 In the event of the death of a licence-holder, the licence will be deemed to have been granted to his personal representatives and will remain in force for 3 months from the date of death, unless previously revoked.

14.3 Where the council are satisfied that it is necessary for the purpose of winding up the estate of the deceased licence-holder, it may extend or further extend the period in which the licence remains in force.

## **15 Complaints**

15.1 Where possible and appropriate the council will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.

## **16 Enforcement**

16.1 Warwick District Council is responsible for the administration and enforcement of the licensing regime and will have regard to the Department of Business Enterprise & Regulatory Reform's Regulators' Compliance Code and council's own Enforcement



Policy. The council will carry out its regulatory functions in a fair, open and consistent manner.

- 16.2 The council recognises the interests of both citizens and businesses and will work closely, with partners, to assist licence holders to comply with the law and the conditions attached to the licence.
- 16.3 However, proportionate but firm action will be taken against those who commit serious offences or consistently break the law or breach the conditions of the licence.

## Definitions

### **'Sex Cinema'**

- 1) A sex cinema is any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which—
  - a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage—
    - i) sexual activity; or
    - ii) acts of force or restraint which are associated with sexual activity; or
    - iii) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions.

But does not include a dwelling-house to which the public is not admitted.

- 2) No premises shall be treated a sex cinema by reason only—
  - a) If they may be used for an exhibition of a film (within the meaning of paragraph 15 of schedule 1 of the Licensing Act 2003) by virtue of an authorisation (within the meaning of section 136 of that Act), of their use in accordance with that authorisation; or
  - b) Of their use for an exhibition to which section 6 of that Act (certain non-commercial exhibitions) applies given by an exempted organisation within the meaning of section 6 (6) of the Cinemas Act 1985.

### **'Sex Shop'**

- 1) A sex shop means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating—
  - a) sex articles; or
  - b) other things intended for use in connection with, or for the purpose of stimulating or encouraging—
    - i) sexual activity; or
    - ii) acts of force or restraint which are associated with sexual activity.
- 2) No premises shall be treated as a sex shop by reason only of their use for the exhibition of moving pictures by whatever means produced.

### **Sex Article**

- 3) A sex article means—
  - a) anything made for use in connection with, or for the purpose of stimulating or encouraging—

- i) sexual activity; or
  - ii) acts of force or restraint which are associated with sexual activity;
  - b) anything to which sub-paragraph 4 below applies.
- 4) This sub-paragraph applies to—
- a) any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and
  - b) any recording of vision or sound which—
    - i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
    - ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

### **‘Sexual Entertainment Venue’**

A ‘Sexual Entertainment Venue’ is any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

- 1) In this paragraph relevant entertainment means-
- a) any live performance; or
  - b) any live display of nudity;
- which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).
- 2) The following are not sexual entertainment venues: -
- a) sex cinemas and sex shops;
  - b) premises at which relevant entertainment is provided as mentioned in sub-paragraph (1) no more than eleven times within 12 months, not longer than 24 hours on each occasion and more than one month between each event; or
  - c) premises specified or described in an order made by the relevant national authority
- 3) The relevant national authority may by order amend or repeal paragraph 3(b) above
- 4) For the purposes of this Schedule references to the use of any premises as a sexual entertainment venue are to be read as references to their use by the organiser.
- 5) Other definitions:
- ‘audience’ includes an audience of one;
- “relevant entertainment” means any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

“display of nudity” means—

(a) in the case of a woman, exposure of her nipples, pubic area, genitals or anus;  
and

(b) in the case of a man, exposure of his pubic area, genitals or anus;

“the organiser”, in relation to the provision of relevant entertainment at premises, means any person who is responsible for the organisation or management of—

(a) the relevant entertainment; or

(b) the premises;

“premises” includes any vessel, vehicle or stall but does not include any private dwelling to which the public is not admitted;

“relevant national authority” means— in relation to England, the Secretary of State;  
and for the purposes of sub-paragraphs (1) and (2) it does not matter whether the financial gain arises directly or indirectly from the performance or display of nudity.”

**Requirements for applying for grant, variation, transfer or renewal of a sex establishment licence**

Grant of a licence

- 1) To apply for the grant of a sex establishment licence an applicant must: -
  - a) send the council: -
    - i) a completed application form;
    - ii) a plan to the scale of 1:100 of the premises to which the application relates;
    - iii) the fee;
  - b) display a notice on or near the premises;
  - c) advertise the application in a local newspaper;
  - d) send a copy of the application and plan to the Chief Officer of Police, Warwickshire Police Licensing Team, Police Station, Priory Road, Warwick, CV34 4NA, at the same time as submitting the application to the council.

Plan requirements

- 2) The plan must show: -
  - a) the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
  - b) the location of points of access to and egress from the premises;
  - c) the location of escape routes from the premises;
  - d) fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
  - e) in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
  - f) in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
  - g) in the case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
  - h) the location and type of any fire safety and any other safety equipment including, if applicable, marine safety equipment; and
  - i) the location of a kitchen, if any, on the premises.
  - j) Any private rooms for adult entertainment
- 3) The plan may include a legend through which the matters mentioned or referred to above are sufficiently illustrated by the use of symbols on the plan.

### Public notices

- 4) A notice must be displayed at or on the premises to which the application relates for a continuous period of not less than 21 consecutive days from the day following the day the application was given to the council, where it can be conveniently read from the exterior of the premises.
- 5) Where the premises cover an area of more than 50 square meters, a further identical notice must be displayed every 50 metres along the external perimeter of the premises abutting any highway.
- 6) The notice must be on pale pink paper sized A4 or larger and printed legibly in black ink or typed in black in a font size equal to or larger than 16.
- 7) The notice must state: -
  - a) details of the application and activities that it is proposed will be carried on or from the premises,
  - b) the full name of the applicant,
  - c) the postal address of the premises, or in the case where there is no postal address, a description of the premises sufficient to enable the location and extent of the premises to be identified,
  - d) the date, which should be shown as the day after the application is submitted.
  - e) That it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine (£5000) for which a person is liable on summary conviction for the offence.
- 8) A similar notice must be published in a local newspaper or similar document within 7 days of giving the application to the council.
- 9) A sample public notice is show as Appendix D

### Variation of a licence

- 10) The holder of a licence may apply at any time for any variation of the terms, conditions or restrictions on or subject to which the licence is held.
- 11) The process of applying for a variation is the same as that for applying for an initial grant except that a plan of the premises is not required unless the application involves structural alterations to the premises.

### Renewal of a licence

- 12) The holder of a licence may apply for renewal of the licence. In order for the licence to continue to have effect during the renewal process, a valid application together with the appropriate fee must be submitted *before the current licence expires*.
- 13) The process of applying for renewal of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required.

### Transfer of a licence

- 14) A person may apply for transfer of a licence at any time.
- 15) The process of applying for transfer of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required.



**APPLICATION FOR GRANT / RENEWAL / VARIATION / TRANSFER\* OF A SEX ESTABLISHMENT LICENCE**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

**I / We**

*(Insert name/s of applicant/s – please read guidance note 1)*

**apply for the Grant / Renewal / Variation / Transfer\* of a Sex Establishment Licence for the premises described in Part 1 below (the premises) in accordance with schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (\*delete as necessary)**

**Part 1 - Premises Details** *(Please read guidance note 2)*

Postal address (including trading name, post code and telephone number of premises)

**Part 2 - Applicant Details**

Please state whether you are applying for a licence as

- |   |                          |                                 |
|---|--------------------------|---------------------------------|
| a) an individual or individuals *       | <input type="checkbox"/> | please complete section (A & C) |
| b) a person other than an individual *  |                          |                                 |
| i. as a limited company                 | <input type="checkbox"/> | please complete all sections    |
| ii. as a partnership                    | <input type="checkbox"/> | please complete all sections    |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete all sections    |



iv other (for example a statutory corporation)  please complete all sections

**(A) Individual Applicant Details** *(Please read guidance note 3)*

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title	
Family Name			First names		
Date of birth					
Current postal address including post code					
Telephone number					
E-mail address					
National Insurance No.					
Telephone number					
E-mail address					

*(Continue on separate page if necessary)*

**(B) Other Applicants (Company, etc.)**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number.

Name	
Address including post code	
Registered number	
Description of applicant (e.g. partnership, company,	

etc.)	
Telephone number	
E-mail address	

**(C) Description of Trading Activity**

<b>The premises will trade as:</b>						
<input type="checkbox"/>			<input type="checkbox"/>			<input type="checkbox"/>
<b>A Sex Cinema</b>			<b>A Sex Shop</b>			<b>A Sexual entertainment venue</b>
<b>I would like the premises will trade on the following days and between the following times:</b>						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
From	From	From	From	From	From	From
To	To	To	To	To	To	To

**(D) Licensing History**

Has any person or the corporate or unincorporated body referred to in this application: -

<b>Been disqualified from holding a licence for a sex establishment?</b>	
<b>Been refused the grant / renewal / transfer of a licence for a sex establishment?</b>	
<b>Been the holder of a sex establishment licence when that licence has been revoked?</b>	
<b>If 'Yes' to any of the above please provide details:</b>	

**Part 3 - Declaration**

I/We:

**Please tick yes**

- Enclose the fee (Please make payable to Warwick District Council)
- Enclose evidence of identity containing a photograph in respect of each individual applicant / partner / director, as applicable
- Enclose either a criminal conviction certificate or criminal record certificate or the results of a subject access search of the police national computer by the National Identification Service
- Understand that if the above requirements have not been complied with my application will be rejected
- Understand that the information given may be used in conjunction with other authorities for the prevention and detection of fraud, and will be held on computer, subject to the Data Protection Act 1998.
- Confirm that the information supplied in this application is true to the best of my / our knowledge and belief.

***IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION***

**(C) Signatures** (Please read guidance note 4)

Signature of applicant.

<b>Signature/s</b>	
<b>Date</b>	
<b>Capacity</b>	

**(D) Contact Details** *(Please read guidance note 5)*

<b>Contact name</b>	
<b>Contact postal address including post code</b>	
<b>Telephone number (if any)</b>	
<b>E-mail address (optional)</b>	

## Notes for Guidance

- 1) Insert the name/s of individual applicant/s or partners or the trading name under which the business operates.
- 2) Include the postal address, including name by which the premises that is to be used as a sex establishment is to be known.
- 3) The full name, date of birth and home address of each individual applicant/partner/director must be supplied together with photographic evidence of identity, e.g. a certified copy of passport or driving licence, and either a criminal conviction certificate (issued under section 112 Police Act 1997), a criminal record certificate (issued under section 113A Police Act 1997) or the results of a subject access search under the Data Protection Act 1998 (b) of the Police National Computer by the National Identification Service.
- 4) The application form must be signed. Where there is more than one applicant, all applicants must sign the application form.
- 5) This is the address that we shall use to correspond with you about this application.
- 6) A plan of the premises must be submitted with the application, drawn to a scale of 1:100 showing all external and internal doors and windows and the position of counters, display stands, booths, video / tv / film screens, exhibition areas, dance / performance / stage areas fixed seating and tables, bars / counters from which refreshments are available and private rooms.
- 7) Copies of the application together with a plan of the premises must be submitted to: -
  - Community Protection, Licensing, Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, CV32 5HZ
  - Chief Officer of Police, Warwickshire Police Licensing Team, Police Station, Priory Road, Warwick, CV34 4NA
- 8) A notice containing details of the application must be advertised on the premises to which the application relates for a continuous period of not less than 21 days from the day following the day on which it was given to the licensing authority, in a position from which it can be conveniently read by members of the public.
- 9) A notice containing details of the application must be published in a newspaper circulating in the local vicinity of the premises within 7 days of the application be given to the licensing authority.
- 10) Fees can be obtained via the council's website or by contacting Licensing Services, Warwick District Council at [licensing@warwickdc.gov.uk](mailto:licensing@warwickdc.gov.uk)

## Local Government (Miscellaneous Provisions) Act 1982

### Sex Establishment Licence

#### Public Notice

*[Name of person applying for licence]* is applying to Warwick District Council for a *[sex cinema/sex shop/sexual entertainment venue]* licence at *[name and address of premises]*

Any person wishing to make representations in relation to this application may do so by writing to:

Licensing Authority

**Warwick District Council**

**Riverside House**

**Milverton Hill**

**Royal Leamington Spa**

**Warwickshire CV32 5HZ**



Representations may be made for 28 consecutive days from the date of this Notice.

A copy of the application for the grant of the above licence is kept by the Licensing Authority at the above address. The application can be viewed Monday to Thursday 9.00 am to 5.00 pm, and 9.00 am to 4.30 pm on Fridays, except Bank Holidays.

*It is an offence knowingly or recklessly to make a false statement in connection with an application. The maximum fine for which a person is liable on summary conviction for making a false statement is a Level 5 fine on the Standard Scale.*

*[Date]* – This must show the day after the day that the application was received by the Licensing Authority

## **Conditions**

### Access to premises

- 1) Access must be afforded at all reasonable times to authorised officers of the council and the police and fire services.

### Hours of Opening

- 2) The hours that a sex shop may open to the public are from 0930 – 1800hrs on weekdays (Monday to Saturday).
- 3) A Sex Shop shall not open on Sundays, Christmas Day or Good Friday.

### Management and Staffing of the Licensed Premises

- 4) Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for in the management of the body is to be notified in writing to the council within fourteen days of such change and such written details as the council may require in respect of any new director secretary or manager are to be furnished within fourteen days of a request in writing from the council.
- 5) A person shall only be approved for the purposes of the foregoing condition if the council considers him or her to be a suitable person to have control of the premises.
- 6) At all times during which the premises are open to the public, one or more approved persons shall be present on the premises and shall be responsible for their management.
- 7) No person under the age of 18 shall be admitted to the licensed premises or employed by the licensee to work at the licensed premises.
- 8) The licensee shall ensure that no part of the licensed premises shall be used by prostitutes (male or female) for soliciting or for any immoral purposes.
- 9) Neither the licensee nor any employee or other person shall seek to obtain custom for the licensed premises by means of personal solicitation, by means of flyers, handouts or any like thing, outside or in the vicinity of the licensed premises.
- 10) The copy of the licence and these conditions shall be displayed in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in a conspicuous position at the premises for the customers to see.

### External Appearance

- 11) No advertisements or other notices or items shall be displayed so as to be visible from the exterior of the premises, subject to conditions 13 and 14.
- 12) The council shall approve the design of the front elevation of the establishment

- 13) As a general rule the name of the premises shall be of an uncontentious nature
- 14) The exterior and entrance to the licensed premises shall be suitably screened so as to prevent any part of the interior being visible from outside the shop.
- 15) On the external facing of the inner door, there shall be displayed a notice in accordance with the requirements of the Indecent Displays (Control) Act 1981 namely:

**“WARNING**

**Persons passing beyond this notice will find material or activities on display which they may consider indecent. No admittance to persons under 18 years of age”**

Maintenance and Repair

- 16) The licensee shall maintain the licensed premises in good order, repair and state of cleanliness at all times, which will include the need to maintain the front and rear of the premises in a clean and tidy condition
- 17) The licensee shall take appropriate measures to ensure that refuse and discarded sex articles or waste stock from the premises are kept secure from public accessibility pending removal from site.
- 18) The licensee shall comply with any fire prevention and safety measures that may be required by the Fire Authority.

General

- 19) No part of the premises shall be let
- 20) Any breach of the conditions above may result in the licence being revoked and the licensee being prosecuted, where appropriate.



**Refusals and revocations of licences**

1. The council must refuse to grant or transfer a licence to: -
  - (a) A person under the age of 18;
  - (b) A person who is for the time being disqualified from holding a licence;
  - (c) A person who is not resident in the United Kingdom or was not so resident throughout the period of 6 months immediately preceding the date upon which the application was made;
  - (d) A body corporate which is not incorporated in the United Kingdom;
  - (e) A person who has, within the period of 12 months immediately preceding the date upon which the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.
2. The council may refuse
  - (a) an application for grant or renewal of a licence on one or more of the grounds shown in paragraph 3 below;
  - (b) an application for transfer of a licence on either or both of the grounds shown in paragraph 3 (a) and (b) below.
3. The grounds for refusal are: -
  - (a) That the applicant is unsuitable the licence by reason of having been convicted of an offence or for any other reason;
  - (b) That if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
  - (c) That the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the council considers is appropriate for that locality;
  - (d) That the grant or renewal of the licence would be inappropriate having regard to: -
    - i. The character of the relevant locality;
    - ii. The use to which any premises in the vicinity are put; or
    - iii. The layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
4. Nil may be an appropriate number for the purposes of paragraph (3)(c) above.